

# DECLARATIONS POLICY

FORMERLY: SPONSORSHIP, GIFTS AND HOSPITALITY, POLICY

|  |  |   |
|--|--|---|
| POLICY NO & CATEGORY                           | CG 04  | Corporate Governance  |
| VERSION NO & DATE                              | 3  | 25 October 2016   |
| RATIFYING COMMITTEE<br>EXECUTIVE DIRECTOR      | or   | Workforce Committee approval followed by receipt at the Audit Committee |
| DATE RATIFIED                                  | 25 <sup>th</sup> October 2016                                  |   |
| NEXT ANTICIPATED REVIEW DATE:                  | October 2019   |   |
| POLICY LEAD                                    | Deborah Lawrenson Company Secretary and Head of Legal Services |   |
| POLICY AUTHOR <i>(if different from above)</i> | Deborah Lawrenson  |   |
| FORMULATED VIA                                 | Work Force Committee   |   |

## *POLICY CONTEXT:*

- As a public sector organisation the Trust has a duty to ensure that it is impartial and honest in the conduct of its business and employees. This policy provides guidance to ensure that staff and independent contractors are clear about the systems and processes in place when seeking sponsorship and the receipt of gifts and hospitality
- The aim of the policy is to provide guidance for the appropriate declaration of sponsorship, gifts and hospitality.
- It defines the responsibilities that all staff, managers, and independent contractors have.
- It details the process for investigations, and hearings

|   | <b>Page<br/>Number</b> |
|---|------------------------|
| 1. Introduction                                 | 3                      |
| 2. Policy                                       | 3                      |
| 3. Procedure                                    | 4                      |
| 4. Responsibilities                             | 10                     |
| 5. Development and Consultation Process         | 10                     |
| 6. Reference Documents                          | 11                     |
| 7. Bibliography                                 | 11                     |
| 8. Glossary                                     | 11                     |
| 9. Audit and Assurance                          | 11                     |
| 10. Appendices – declaration forms and guidance | 13                     |

## 1. Introduction

Health staff have an obligation to work together and in collaboration with other agencies outside the NHS, with the aim of improving the health of patients being treated and the services provided for them. Accordingly, collaborative partnerships with commercial organisations may have a number of benefits. This policy provides guidance upon the process to be followed should sponsorship, gifts and/or hospitality be offered to any member of staff employed by the Trust by such organisations or generally in the course of the performance of their duties.

The NHS Code of Conduct for Managers 2002 ([http://www.nhsemployers.org/SiteCollectionDocuments/Code\\_of\\_conduct\\_for\\_NHS\\_managers\\_2002.pdf](http://www.nhsemployers.org/SiteCollectionDocuments/Code_of_conduct_for_NHS_managers_2002.pdf)) emphasises three crucial public service values which must underpin the work of the health service:-

**Accountability** – Everything that is done by those who work in the NHS must be able to stand the test of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.

**Probity** – There should be an absolute standard of honesty in dealing with the assets of the NHS; integrity should be the hallmark of all personal conduct in decisions affecting patients, staff and suppliers, and any news or information acquired in the course of NHS duties.

**Openness** - There should be sufficient transparency about NHS activities to promote confidence between the NHS Authority or Trust and its staff, patients and the public.

In addition, the Standing Orders and Standing Financial Instructions as amended and approved by the Trust Board should be read in conjunction with this policy as well as the Counter Fraud and Bribery Policy CG 22

If any member of staff is unclear as to whether or not a proposed activity is governed by this policy they should seek advice from the Head of the Legal Department/ Company Secretary

## 2. Policy

This policy applies to all staff (including Board members) employed by Birmingham and Solihull Mental Health NHS Trust including those holding honorary positions, and also extends to secondees and trainees. As a point of clarification it should be noted that Non-Executive Directors are paid office holders rather than employees and therefore restrictions around secondary employment do not apply to them. They are required to make declarations of their other relevant employment.

No activity by members of staff or Non-Executive Directors should conflict with the principles set out in paragraph 5 – Code and Standards of Behaviour.

This policy should be read in conjunction with:

The Code of Practice for the promotion of NHS-funded services (Department of Health, 2008), specifically paragraphs 42-45 (sponsorship)

Commercial Sponsorship: Ethical Standards for the NHS (Department of Health, 2000)

### **3. Procedure**

#### **3.1 Definitions**

3.1.1 For the purpose of this policy, commercial sponsorship is defined as: -

Funding provided to the Trust or its staff from an external non- NHS source for any purpose, including but not restricted to the following:- funding of all or part of the cost of a member of staff, NHS research, staff training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, funding for sponsored posts, gifts, hospitality, hotel and transport costs (including trips abroad), provision of free services (e.g. speakers), buildings or premises.

3.1.2 A gift may be described as:

An object or item given for the benefit of a specific individual. Patient, ward or department or the service. Examples boxes of chocolates, a portable television or a ticket for an event.

3.1.3 A donation is:

A gift of money. Donations may only be accepted for the benefit of the ward, service or department. The procedure followed in the Charitable Funds Policy,

3.1.4 Active Bribery is defined as 'offering or giving a bribe to another person to perform an illegal, unethical or other action which breaches trust, or to reward a person for performing such an action.

3.1.5 Passive Bribery s defined as 'requesting, agreeing to receive or accepting a bribe to perform a function or activity improperly, irrespective of whether the recipient of the bribe request or receives it directly or through a third party and irrespective of whether it is for the recipient's benefit.

3.1.6 '*Trust Resource*', for the purposes of declarations regarding Cat 2 and fee paying work, includes use of Trust buildings, office use, printing, stationary, secretarial support (phone calls, report writing etc. – note any secretarial support for typing up reports must be done outside of Trust time), equipment or postage and accessing notes. For the avoidance of doubt the time shifting

process allows for up to 4 hours per week to be time shifted for category 2 fee paying work. Ideally the work should be done in your own time or time shifted within the levels allowed, if you are intending to undertake the work during normal working hours. Otherwise the contribution fee will be payable

### **3.2 Code and Standards of Behaviour**

3.2.1 All staff working at Birmingham and Solihull Mental Health NHS Trust are expected to:

- act impartially in all their work;
- comply all times with the terms of The Bribery Act 2010;
- not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others (please refer to guidelines on confidentiality);
- ensure that professional registration (if applicable) and/or status are not used in the promotion of commercial products or services;
- respond to all offers sponsorship for attendance at, travel to or accommodation at a course or conference in compliance with this policy under to processes outlined at paragraphs 3.3 below
- declare and record financial or personal interests in compliance with this policy under to processes outlined at paragraphs 3.6 below
- declare and record gifts and hospitality offered and / or received in compliance with this policy under to processes outlined at paragraphs 3.4 and 3.5 below
- neither agree to practise under any conditions which compromise professional independence or judgement, nor impose such conditions on other professionals.

3.2.2 Individuals at Band 8C and above (including senior medical staff) are required to make an annual declaration of interests, relationships with pharmaceutical companies, gifts, hospitality and sponsorship, category 2 work and private practice, to the Company Secretary on the forms available at **Appendix 1**.

3.2.3 Individuals at Band 8C and above (including senior medical staff) are required to keep local registers detailing the same matters (declarations of interests, relationships with pharmaceutical companies, gifts, hospitality and sponsorship, category 2 work and private practice), in respect of those staff reporting into them between bands 7 and 8B (or equivalent) using the form available at **Appendix 1**.

### **3.3 Sponsorship**

- 3.3.1 The Trust and staff need to ensure they are not put under any undue obligation to a sponsor (or that they become open to accusation), that core business functions are not affected and that they remain impartial. Sponsors should be informed that there should be no overt commercial advantage to them in terms of the direct sale of products or brands as a result of their association with the Trust and their involvement should be seen as secondary to the aims of the Trust
- 3.3.2 A record of all commercial sponsorship is therefore included in the formal Register of Declarations, Gifts and Hospitality of the Trust, and must be declared to the Company Secretary, who will make the Register available for inspection on request through the Trust's Freedom of Information Act Publication Scheme. This includes any sponsored posts in the Trust.
- 3.3.3 A written contract should be put in place to underpin any significant commercial sponsorship over £5,000 in value. The Chief Executive should have prior approval of all such contracts. Before developing any contract, the Trust should undertake a formal assessment to ensure that the intended benefits outweigh the time and resources to manage the sponsorship, and that any risks have been identified (with a plan in place to mitigate principle risks). This should include the risk of being overly dependent on funding, including the possibility that the sponsor withdraws support. The contracts should also include a break clause enabling termination at short notice if necessary.
- 3.3.4 Commercial sponsorships below the level of £5,000 will require approval at Clinical Director or Associate Director level and should be declared to the Company Secretary, by them, through the annual declaration process see **Appendix 2**.

### **Considerations Prior to Entering a Sponsorship Agreement**

- 3.3.5 Prior to staff entering into any sponsorship agreement there must be a consideration of the following:
- Ensure there are no potential irregularities which may affect a company's ability to satisfy the conditions of the agreement or impact upon it in any way. This would include checking the company's financial standing and referring to the company's accounts.
  - Consider the costs and benefits in relation to alternative options where appropriate. The decision making process must be transparent and defensible.
  - Disclosure of confidential information must be legally and ethically appropriate. Additionally, for research purposes, disclosure should not take place without approval of the Local Research Ethics Committee and the Research and Innovation Manager.
  - Monitor clinical and financial outcomes and ensure break clauses are built in to enable the Trust to terminate the agreement if it becomes apparent that it is not providing expected value for money/clinical outcomes.
  - No sponsorship will be accepted from external organisations or bodies who have goals or values in conflict with those of the Trust and the NHS

as a whole. This includes organisations “associated with matters that are damaging to health or associated with gambling, alcohol, tobacco, weight control (with the exception of bona fide health promotion and public health interventions such as healthy walks and green gyms’.) or politics”, which are specifically proscribed by the Code of Practice.

- Commercial sponsorship from the following sectors requires discretion. Express permission must be sought from the Company Secretary/Head of Legal Services for commercial sponsorship by:
  - Companies potentially in competition with services that we currently provide, or that we may seek to provide in future.
  - Personal financial services.
  - Other legal services
  - Independent sector care homes

### **Inappropriate Sponsorship/Hospitality**

3.3.6 All staff must notify the Head of the Legal Department/Company Secretary of any inappropriate offers of sponsorship (i.e. any offer which may cause the member of staff to break any element of the Code of Conduct) within 2 weeks of the offer being made. The Trust Board will be made aware of the inappropriate offer at its next formal Board meeting.

### **3.4 Gifts**

3.4.1 Due to the risk of non-compliance with the Bribery Act 2010, the Trust distinguishes between gifts offered by patients, relatives and service users, and gifts offered by contractors.

#### Donations offered by patients, relatives and other users of services

3.4.2 Monetary donations from patients, relatives of other users of services may be accepted provided that the procedure contained in the Charitable Funds user guidance is followed. Such donations should be for the benefit of the Trust or specific wards or departments. Monetary donations offered on a personal basis to individual members of staff must without exception be politely but firmly declined.

#### Gifts under £20 offered by patients, relatives and other users of services

3.4.3 Gifts under the value of £20 offered to individuals by patient’s relatives or other users of the service may be accepted. Individuals should notify their line manager of receipt of all gifts under £20. These will be recorded on the Monthly Patient Appreciation and Gifts Monitoring Form. It should be noted that this requirement is simply to ensure the Board is apprised of the positive feedback from service users in the same way that received feedback of complaints made to provide a balanced picture.

#### Gifts over £20 offered by patients, relatives and other users of services

3.4.4 Gifts over £20 may only be accepted if they are for the benefit of the Trust or specific wards or departments. Gifts valued over £20 must be reported to the Line Manger and Company Secretary using the form available at **Appendix 2**.

If in doubt guidance can be sought from the Company Secretary before making a declaration.

#### Gifts offered by potential or actual contractors or suppliers of services / products

- 3.4.5 Gifts offered by potential or actual contractors or suppliers which are of a low intrinsic value such as diaries and calendars may be accepted and do not need to be formally declared, however, staff should use their discretion in accepting gifts and seek advice if in any doubt as to whether or not to accept
- 3.4.6 Gifts valued at over £6 offered by potential or actual contractors or suppliers may only be accepted if they are intended for the benefit of patients, the department or the service. Such gifts must be declared using the Form provided at **Appendix 2**.
- 3.4.7 Gifts should be declared if the value of several small gifts, from the same, or from a closely related source, total £100 over a 12 month period. Staff are expected to inform their manager of any gifts received and if in doubt should consult the Company Secretary for advice on whether or not something should be declared.

### **3.5 Hospitality**

- 3.5.1 Modest hospitality provided it is normal, reasonable and secondary to the purpose of the meeting may be accepted. This is likely to be valued at under £35. The costs involved must not exceed the level which the recipients would normally accept when paying for themselves at such an event, and that which could be reciprocated by the NHS. This includes refreshments, meals, travel and accommodation.
- 3.5.2 Hospitality offered under the value of £35 should be declared by the recipient to the relevant Line Manager ideally within two weeks of receipt, and ideally using the form provided at Appendix 2. The Line Manager is responsible for maintaining a local register in respect of staff reporting into them for any such declarations, (whether or not the forms are provided) and this would need to be available for auditing purposes.
- 3.5.3 All offers of hospitality exceeding levels outlined above, should be declared and approved in advance, by the appropriate line manager and formally declared to the Company Secretary using the form provided at **Appendix 2**. Where there is doubt whether or not to accept, the Company Secretary should be consulted.
- 3.5.4 Individuals at Band 8C or above should also include the hospitality on the Annual Declaration of Interest form at **Appendix 2**.
- 3.5.5 Any member of staff who has been in receipt of hospitality, is responsible for ensuring the procurement department are made aware of the hospitality, if the company or organisation involved is participating, at that time, in any

procurement processes and their involvement should be limited as appropriate.

3.5.6 Individuals at 8c and above (including senior medical staff) are required to make an annual declaration of interests, relationships with pharmaceutical companies, gifts, hospitality and sponsorship, category 2 work and private practice, to the Company Secretary, and to keep local registers in respect of those staff reporting into them below 8c level.

### 3.6 Declarations of Interests

3.6.1 Staff must not engage in any other employment or have any outside business interests, whether financial or otherwise, which are prejudicial to the interests of the Trust, which *may* cause a conflict of interest, or which *may* bring the Trust into disrepute. See contracts of employment for further information

3.6.2 A central register will be held by the Head of the Legal Department/Company Secretary. The aim of a staff register is to identify those activities and interests which are relevant because they might be interpreted as carrying a risk of bias in the individual's duties.

3.6.3 An interest need only be declared if it is relevant to their duties and there is therefore a risk of it being *reasonably* perceived as biasing their decisions while conducting those duties. The following notes are designed to assist those making declarations to decide as impartially as possible whether to declare an interest:

- The test which applies is whether "an external observer, knowing the facts of the situation, would reasonably think that the person might be influenced by the interest";
- In case of doubt, the presumption is always in favour of declaring an interest: if a person is in doubt whether to register an interest, that means they should register it;

3.6.4 The exact nature of the interest will vary according to personal circumstances but the following paragraphs provide examples of interests which should be declared

- prejudice the interests of the Trust,
- cause a conflict of interest, and/or
- bring the Trust into disrepute.

3.6.5 Company: Any relationship held by you or any close family connection with a named company with which the Trust might do business, including the Trust's own subsidiaries. Such interests would include:

- ownership or part ownership;

- share-holdings or other beneficial interest such as options, warrants etc. (Only share-holdings above the 3% notifiable level need be declared);
- directorships
- paid employment
- partnerships, consultancy

### 3.6.6 Other relevant employments;

- Any position of authority held in another public body, trade union, charity, voluntary body; professional bodies, or other association, or external bodies;
- Any connection with a voluntary or other body contracting for NHS services;
- Any involvement in joint working arrangements with Clinical (or other) Suppliers;
- Self-employment: names of any relevant client with whom the Trust might do business which accounts for more than 5% of your total annual earned income.

3.6.7 In all of the above, staff are not expected to quantify the extent of a financial interest, merely the fact that one exists.

3.6.8 Declarations of interest should be made using the form attached at **Appendix 1**

## 3.7 Charitable Funding

Charitable trust fund accounts must not contain non charitable monies. Trustees should ensure that items which do not have charitable status are removed from charitable trust fund accounts. Further guidance on charitable funding can be obtained from “NHS Charities Guidance 2012 and the Executive Director of Resources

## 4 Responsibilities

This summarises defined responsibilities relevant to this policy.

| Post(s)  | Responsibilities  | Ref |
|--|---|-----|
| All Staff  | To declare gifts, benefits, interests and sponsorship of any kind   |     |
| Clinical and Corporate Directors and Associate Directors and Heads of Services | To ensure declarations are made in accordance with the policy by themselves to the Company Secretary and to them by their staff for holding in a local register |     |

|                    |   |  |
|--------------------|---|--|
| <b>Policy Lead</b> | <b>Company Secretary/Head of Legal Services</b> |  |
|--------------------|---|--|

5 **Development and Consultation process** consisting of:

| <b>Consultation summary</b>  |                            |                           |
|--|----------------------------|---------------------------|
| <b>Date policy issued for consultation</b>                               | 1 <sup>st</sup> July 2016  |                           |
| <b>Number of versions produced for consultation</b>                      | 1                          |                           |
| <b>Committees / meetings where policy formally discussed</b>             | <b>Date(s)</b>             |                           |
| <b>Meeting with LNC and BMA representatives</b>                          | 14 July 2016               |                           |
| <b>Meeting with LNC and BMA representatives</b>                          | 28 July 2016               |                           |
| <b>Workforce committee</b>   | 30 August 2016             |                           |
| <b>Audit Committee</b>   | 21 September 2016          |                           |
| <b>Trust Board (Feedback from consultation received for information)</b> | 28 September 2016          |                           |
| <b>Joint LNC</b>   | 29 September 2016          |                           |
| <b>Workforce Committee for approval</b>                                  | 25 October                 |                           |
| <b>Audit Committee for information/points of clarification</b>           | 23 November 2016           |                           |
|  |                            |                           |
| <b>Where received</b>  | <b>Summary of feedback</b> | <b>Actions / Response</b> |
|  |                            |                           |
|  |                            |                           |

6 **Reference Documents**

Pay Policy  
Job Planning Policy

7 **Bibliography**

None

8 **Glossary**

None

9 **Audit and Assurance**

An annual review will be undertaken and a report submitted to the Audit Committee on all aspects of the compliance with the policy.

| <b>Element to be monitored</b>                               | <b>Lead</b>  | <b>Tool</b>     | <b>Frequency</b>                   | <b>Reporting Arrangements</b>                                   |
|--|--|-----------------|------------------------------------|---|
| Central Register of Declarations (for staff at 8c and above) | Company Secretary                                    | Electronic/Form | Quarterly request for declarations | Annual report to Audit Committee                                |
| Local registers of Interest for staff between bands 7 and 8c | Medical Directorate and Line Managers as appropriate | Electronic/Form | Quarterly and Annually             | To be available on request for audit purposes                   |
| MHA assessment rota  | Medical Director (via MHA team)                      | Electronic      | Quarterly and Annually             | To be provided quarterly to the Company Secretary for reference |
| Central record of payments for Cat 2 and fee paying work     | Deputy Director of Finance                           | Electronic      | Quarterly and Annually             | To be provided quarterly to the Company Secretary for reference |

## 10. Appendices

See Appendix 1 – 3 for declaration forms and guidance

## Appendix 1

This form is to be used for annual declarations as well as for new declarations as they arise during the financial year

You will be formally asked to make your annual declaration.

- By the Company Secretary for staff at 8c and above
- By the CD/AD or Head of Service as appropriate, for staff between bands 7 and band 8B

It is the individual staff member's responsibility, to ensure that any further declarations that arise throughout the year are declared immediately to ensure we capture them on our registers.

### Birmingham and Solihull Mental Health Foundation Trust

#### Declaration of Interest form

Name: .....Job Title.....

Dated .....

| Declaration of Interests form |  |   |
|-------------------------------|--|---|
| Declaration of Interest       | Details  |   |
| 1                             | <p>Shareholding, personal or financial interest held by yourself or an immediate family member in any business that seeks, or may seek, to do business with the NHS. (Shareholdings in excess of 3% and directorships should be stated). This includes relationships with pharmaceutical companies</p> | <p><i>Please state type of business, trading name and address.</i></p> <p><i>If none are held please write this in the space provided.</i></p>  |
| 2                             | <p>Secondary employment - Details of all secondary employment (private and fee-paying work including the provision of advice, undertaking presentations, lectures or tours of</p>  | <p><i>Please state name of employer and role</i></p> <p><i>If no such work has been undertaken please write this in the space provided.</i></p> |

|   |   |  |
|---|---|--|
|   | <p>instruction). A single declaration of any weekly/regular commitment given in job planning or in review/appraisal and on this annual declaration –is sufficient). In those cases where you have a regular relationship that would need to be specifically named</p> |  |
| 3 | <p>Any other interest you feel should be declared in line with paragraph 3.6 of this Policy</p>   | <p><i>If there are no such interests, please write this in the space provided.</i></p> |

## Appendix 2

### Birmingham and Solihull Mental Health Foundation Trust Declaration of Gifts, Hospitality and Sponsorship form

Name: .....Job Title.....

Dated .....

**This form is to be used for annual declarations as well as for declarations as they arise during the financial year**

| <b>Annual Declarations of Gifts/ Hospitality and Sponsorship</b>  |   |
|---|---|
| <b>NOTE This must include any received or offered and declined from pharmaceutical companies</b>  |   |
| <b>Declaration of Gifts</b>   | <b>Details</b>  |
| Gifts valued at over £20 offered by patients, relatives and other users of services, whether accepted or declined   | <i>Please state description and value of gift and name of donor, date accepted/declined (continue on a separate sheet if necessary).</i><br><br><i>If none please write this in the space provided.</i> |
| Gifts valued at over £6 offered by potential or actual contractors or suppliers of services/products, whether accepted or declined.   | <i>Please state description and value of gift and name of donor, date accepted/declined (continue on a separate sheet if necessary).</i><br><br><i>If none please write this in the space provided.</i> |
| <b>Note</b><br><br>Gifts of low value, from the same or a closely related source, which have accumulated across the year to a total of approximately £100 in value, should be declared to the line manager to log locally, and to advise if a formal declaration is needed. If in doubt consult the Company Secretary |   |
| <b>Declaration of Hospitality</b>   | <b>Details</b>  |
| Hospitality received valued at over £35, whether accepted or declined.  | <i>Please state description and value of gift and name of donor, date accepted/declined</i>   |

|   |   |
|---|---|
|   | <i>(continue on a separate sheet if necessary).<br/>If none please write this in the space provided.</i>  |
| <b>Declaration of Sponsorship</b>   | <b>Details</b>  |
| Sponsorship for attendance at a course or conference, whether accepted or declined.<br>Detail on any sponsored posts. | <i>Please state description and value of sponsorship and name of sponsor, date accepted/declined (continue on a separate sheet if necessary).<br/><br/>If none please write this in the space provided.</i> |

### **Guidance notes**

**When considering whether or not acceptance of an offer of sponsorship or hospitality is appropriate ask yourself the following questions:**

- Can you confirm that neither you, the Trust nor the sponsoring organisations will receive any undue inducement as a result of this - if the answer is No then do not continue
- Have you ensured best value by approaching several potential sponsors (if value >£5000)?
- Is a contract in place to cover this arrangement? (Yes – please provide a copy If NO, explain how the reputation of the Trust and any income from this partnership will be safeguarded)
- Will there be sponsors from the Excluded or Discretionary list in this scheme
- What are the details of the project, will it involve sharing patient data, will it lead to higher costs elsewhere in the Trust, what are the termination arrangements?

### **Extract from The Medicines (Advertising) Regulations 1994 as amended**

#### *Inducements and Hospitality*

21. (1) Subject to paragraphs (2) and (4), where relevant medicinal products are being promoted to persons qualified to prescribe or supply relevant medicinal products, no person shall supply, offer or promise to such persons any gift, pecuniary advantage or benefit in kind, unless it is inexpensive and irrelevant to the practice of medicine or pharmacy.

“(2) The provisions of paragraph (1) shall not prevent any person offering hospitality (including the payment of travelling or accommodation expenses) at events for purely professional or scientific purposes to persons qualified to prescribe or supply relevant medicinal products, provided that—

*(a) Such hospitality is strictly limited to the main scientific objective of the event, and professionals.*

*(3) Subject to paragraph (4), no person shall offer hospitality (including the payment of travelling or accommodation expenses) at a meeting or event held for the promotion of relevant medicinal products unless—*

*(A) Such hospitality is strictly limited to the main purpose of the meeting or event, and*

*(b) The person to whom it is offered is a health professional.”*

*(4) Nothing in this regulation shall affect measures or trade practices relating to prices, margins or discounts which were in existence on the 1<sup>st</sup> January 1993.*

*(5) No person qualified to prescribe or supply relevant medicinal products shall solicit or accept any gift, pecuniary advantage, benefit in kind, hospitality or sponsorship prohibited by this regulation.*

## **Commercial sponsorship checklist**

### **1. Excluded Advertisers**

Advertising from the following sectors is excluded in **all** circumstances:

- Organisations “associated with matters that are damaging to health or associated with gambling, alcohol, tobacco, weight control<sup>9</sup> or politics.”
- The promotion of prescription-only drugs to the general public, or other promotion that contravenes that ABPI Code of Practice to the Pharmaceutical Industry.
- Pornography or other companies involved in sexual exploitation of adults or children
- Firearms
- Legal services which overtly promote compensation and personal injury services, and claims management companies acting on their behalf

### **2. Discretionary Advertisers**

Advertising from the following sectors may only be considered on a case-by-case basis with the approval of the Head of Legal Services

- Companies potentially in competition with services that we provide, or may seek to provide in future.
- Personal financial services.
- Other legal services.
- Independent sector care homes

### **3. Approval Procedure**

Please:

- Complete go through the above and discuss with your Director **before** commencing any discussions regarding commercial sponsorship on behalf of the Trust.
- Ensure permission is sought from the Company Secretary/Head of Legal services in advance if you intend to seek sponsorship from “discretionary advertisers”.

**With regard to relationships with Pharmaceutical companies you should include:**

- Detail on shares, salary, retainers, consultancy fees, advisory boards (dates and duration of the interest)
- Fees for speaking at or chairing any meetings on behalf of the pharma company
- Attendance at sponsored educational events
- Educational grants/sponsorship study leave
- Research grants
- Hospitality

Members of the Pharmacological Therapies Committee are also required to provide a declaration to the Chair of that committee and those declarations will be accepted by the Company Secretary. There is no need to declare twice but a cross reference should be provided on this annual form.

**To be returned to:**

**Deborah Lawrenson, Company Secretary/Head of Legal Services**

**Chief Executives Office, Unit 1, B1 Trust HQ, 50 Summer Hill Road, Ladywood, Birmingham, B1 3RB.**

## Appendix 3

### Birmingham and Solihull Mental Health Foundation Trust

This form is to be used for QUARTERLY DECLARATIONS

#### CATEGORY 2 (and other fee paying work) DECLARATION FORM

**Mental Health Act (MHA) and Other Fee Paying (OFP) work which needs to be declared at the end of every quarter, and recorded locally in Job Planning or through RMS**

- **MHA undertaken during rota time** – no fee payable even if Trust resource used;
- **MHA / OFP work undertaken in own time (evenings, annual leave) – no Trust resource used (other than accessing notes as required) – no fee payable**
- **MHA / OFP work undertaken in own time but Trust resource used** – Fee payable therefore include on the form
- **MHA /OFP work undertaken in Trust time (time-shifting)** – no Trust resource used – no fee payable – we DO however need this to be recorded on the form so we have a central record of how much time shifting is taking place
- **MHA /OFP undertaken in Trust time (time-shifting)** – Trust resource used – fee payable and declared on form.

#### Note

*'Trust Resource', for the purposes of declarations regarding Cat 2 and fee paying work, includes use of Trust buildings, office use, printing, stationary, secretarial support (phone calls, report writing etc. – note any secretarial support for typing up reports must be done outside of Trust time), equipment or postage and accessing notes (if the work is being undertaken outside of Trust house and requires access to notes the fee will not be payable). For the avoidance of doubt the time shifting process allows for up to 4 hours per week to be time shifted for category 2 fee paying work. Ideally the work should be done in your own time or time shifted within the levels allowed, if you are intending to undertake the work during normal working hours. Otherwise the contribution fee will be payable as outlined.*

*Other fee paying work (OFP) could include payments for other activity undertaken during Trust time and using Trust resource, which has not been time shifted, such as drafting of court reports etc.*

*If a staff member is asked to deliver a lecture during Trust time, the lecture fee should be paid directly to the Trust. Consent should be sought in advance from the relevant line manager and this will not be unreasonably withheld.*

*Time shifting can take place for up to 4 hours per week but will need to be recorded on job plans or in supervision meetings. Exceptions for further time can be agreed with the line manager, if appropriate, for example where it is in the interest of justice for a staff member to attend court to give evidence or if they are undertaking an assessment required by the court or if they are visiting prisons to undertake assessments.*

**NAME**

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**JOB TITLE**

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**ADDRESS**

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Period covered .....

*Please insert the relevant dates*

*For the time period above please insert detail of each Category 2 or other fee paying activity undertaken (where fees to the Trust would be payable), the fees received and the fees payable to the Trust.*

There is a flat fee of £50.00 for use of Trust Resources. Fee(s) due (please detail below):

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I confirm that the number of Category Two reports or fee paying episodes declared above is an accurate record for the period of time indicated and request that an invoice be drafted in order that I may provide a cheque for payment of the fee required.

The number and nature of the declarations made is consistent with detail recorded as part of my job plan and appraisal, and requirements of the Pay Policy. I understand that this return may be selected for an Audit Review.

Signed

\_\_\_\_\_

Print

\_\_\_\_\_

Date

\_\_\_\_\_

**Clinical Director or Executive Director Confirmation (as appropriate)**

The above declaration appears to be reasonable and is consistent with the declarations made to me during the year in line with the requirements of the Pay Policy.

Signed

\_\_\_\_\_

Print

\_\_\_\_\_

Date

\_\_\_\_\_

**To be returned to:**

**Deborah Lawrenson, Company Secretary/Head of Legal Services**

**Chief Executives Office, Unit 1, B1 Trust HQ, 50 Summer Hill Road, Ladywood, Birmingham, B1 3RB.**

**The Company Secretary will pass a copy of this form to the Deputy Director of Finance for processing receipt of payment.**

| FINANCE USE ONLY  |  |                    |          |
|-------------------|--|--------------------|----------|
| Date received     |  | Selected for Audit | YES / NO |
| Cheque on C/S No. |  |                    |          |

